IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2450 OF 2007

1. Rajendra Mahadev Patil,

2. Ashok Raghunath Gharat,

3. Mr.Darshan Bhalchandra Bhoir.... Applicants.

V/s.

State of Maharashtra. ... Respondent.

A.P.Mundargi, senior counsel with Amol Patankar for the applicants.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 21st August 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. By this application, under section 438 of Code of Criminal Procedure, 1973, the applicants are seeking anticipatory bail. The applicants are arraigned as accused in C.R.No.9/2007 registered with Nhava Sheva Police Station, district- Raigad for the offences punishable under sections 147, 148, 149, 323, 324, 427, 436, 504 and 395 of Indian Penal Code and sections 37(1) and 135 of the Bombay Police Act on the basis of the complaint filed by one Prakash Janardan

Bhagat.

3. There are two cross complaints/F.I.R's. filed by two groups involved in the election. So far as present complainant is concerned, there is nothing on record to show that he has suffered any injury. The F.I.R. discloses that during the course of attack, the complainant lost his gold chain, wrist watch and mobile phone. There is cross complaint against the present complainant on the very same day. The dispute has taken place during the course of election campaign. In the aforesaid view of the matter, I am inclined to grant pre-arrest bail in favour of the applicants, subject to the following conditions:

(a) The applicants shall deposit Rs.50,000/- each with the investigating agency. The said deposit shall be without prejudice to the rights of either of the parties and shall not be construed as admission on behalf of either of the parties.

(b) In the event of arrest of the applicants in connection with C.R.No.9/2007 registered with Nhava Sheva Police Station, district- Raigad, they shall be released on their execution of P.R.Bond of of Rs.25,000/- each with one or two sureties to make up the said amount.

(c) The applicants shall report to the concerned Police Station as when called and shall co-operate with the investigating agency.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicants to apply for regular bail before regular court.

(f) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE